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SRI T. VISWANATHAM :—" The marriages are already made."

MR. SPEAKER :—" The question is—

' That the Madras Christian Marriages Validation Bill, 1952, be taken into consideration at once.' "

The motion was carried.

MR. SPEAKER :—" There are no amendments. The question is—

' That clauses 1 and 2 and the preamble do stand part of the Bill.' "

The motion was carried.

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" I move, Sir,—

' That the Bill be passed into law.' "

MR. SPEAKER :—" The motion is—

' That the Madras Christian Marriages Validation Bill, 1952, be passed into law.' "

SRI T. VISWANATHAM :—" Sir, I want, on behalf of this House to congratulate those couples who are benefited by this legislation." (Laughter.)

MR. SPEAKER :—" The question is—

' That the Madras Christian Marriages Validation Bill, 1952 be passed into law.' "

The motion was carried and the Bill passed into law.

(3) THE MADRAS COTTON CONTROL BILL[a], 1952.

* THE HON. DR. R. NAGAN GOUDA :—" Mr. Speaker, Sir, I beg to introduce the Madras Cotton Control Bill, 1952 and move—

' *That the Bill be taken into consideration at once.*'

" This is a Bill to provide for regulating or prohibiting the cultivation of any specified variety of cotton, the mixing of any specified variety of cotton with any other variety of cotton and the possession or use of, or trade in, any specified variety of cotton in certain areas in the State of Madras.

" Sir, I wish to state in brief the reasons for bringing forward this Bill. The question of improving the quality of the cotton crop in this State by maintaining the purity of improved strains, increasing the production of commercially uniform qualities and preventing abuses through wilful adulteration has been engaging the attention of the Government for some time past. The Madras Cotton Control Act, 1932 provides for the prohibition of the cultivation of pulichai

[a] Published in the *Fort St. George Gazette* dated 22nd October 1952.

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cotton only, the mixing of such cotton with other varieties of cotton and the possession or use of, or the trade in, pulichai cotton or cotton mixed with pulichai cotton. This Act VII of 1932 is not therefore adequate for the purpose of preventing the evil of mixing other inferior varieties of cotton with superior varieties. The Government consider that a comprehensive enactment on the model of the Bombay Cotton Control Act, 1942 is necessary to prevent this evil and to ensure the quality and purity of the strains cultivated in the different areas of this State. This Bill is intended to achieve this object. The Bill gives power to Government to fix the variety of cotton known as 'standard cotton' to be cultivated in any area, prohibit the mixing of any variety of standard cotton' with any other variety of cotton and it also gives power to prohibit or restrict the possession or use of, or trade in, any variety of standard cotton mixed with any other variety of cotton. A factory in which cotton is manufactured into yarn or cloth will, however, be permitted to mix varieties of cotton and use the cotton so mixed exclusively in the factory for the manufacture of yarn or cloth. Suitable penalties have been provided for the infringement of the provisions of the Bill. Provision has been made in clause 8 of the Bill for seizing cotton in respect of which an offence has been committed and for taking a sample of the cotton seized for examination by the Cotton Specialist before prosecuting the offender."

MR. SPEAKER :—" The motion is—

'That the Madras Cotton Control Bill, 1952, be taken into consideration at once.' "

* SRI T. VISWANATHAM :—" There are some experts, Mr. Speaker."

MR. SPEAKER :—" Nobody has come forward to speak."

* SRI T. VISWANATHAM :—" I thought that in this matter of cotton some of the experts from Coimbatore district should have really made some contribution. I was looking to some of my friends, but I find them absent. I will confine myself to only one point and I will not go into other things. In clause 15, there is sub-clause (3), which says that 'All rules made under this section shall have effect as if enacted in this Act.' According to sub-clause (1) of the clause the Government want to take power to make rules providing also for punishment with fine extending to fifty rupees. At present there is no penalty or fine, but only in the rule-making powers the Government want to take such powers. Sir, the Hon. Mr. Subramaniam was present at some of the Select Committees where a similar question cropped up in respect of certain other Bills and we thought it was very objectionable to give the Government power to make rules providing for punishment later on. As I have not given notice of an amendment to this effect, I would ask the Hon. Minister to give an amendment to delete the particular clause. The principle to which I am attached is that in the rule-making power Government ought not to take such powers. If really you want to punish people, provide a clause in the legislation itself. Whereas, here it is said that

all rules made under the Act shall have effect as if enacted under the Act. The rule is made in the secrecy of the executive; nobody knows what it is or why it is made and it does not come before the Legislature. Therefore, Sir, I tell the Government 'Do not take penal powers under the rule-making powers'. It is a good principle of jurisprudence. The Hon. the Finance Minister was good enough to accept the principle in the case of other Bills and I hope the Hon. Minister for Agriculture will also follow suit. He will not be in bad company."

*Sri VAVILALA GOPALAKRISHNAIAH :—"అధ్యక్షా, ఇందులో పత్తి పండించే విషయములో ఒకే రకమైన పత్తి గింజలు వేయవలెనని చెప్పబడినది. అయితే ఒకే రకమైన పత్తి గింజలు ఎంత నేలకు వేయవలసియుంటుందో తెలియదు. సప్లై చేసినటువంటి ఒకే రకమైన గింజలు కొంత నేలకు సరిపోగా, ఇంకా మిగిలిన నేలలో వేరే రకపు పత్తి గింజలు వేయక వ్యవసాయదారుడు కోరికె ఎట్లు నేలను ఉపయోగించకుండా విడిచిపెట్టగలడు. కనుక ప్రభుత్వము ఒకే రకమైన పత్తి గింజలు సప్లై చేస్తామని హామి ఇస్తారా? అట్లు హామీ ఇవ్వకపోతే ఈ బిల్లును వ్యతిరేకించవలసియుంటుంది. రెండవది, అధికారులపైన వారి మాటలపైన ప్రజలకు నమ్మకముండాలని రాజగోపాలాచారిగారు అంటున్నారు. మమ్ములను విశ్వసించండి అని వారు చెప్పుతున్నారు. అయితే ప్రభుత్వమును, అధికారులను, ఎంత విశ్వసిస్తామో అంత అన్యాయము జరుగుచున్నది. విశ్వసించకపోతే, విశ్వసించ లేదంటారు. విశ్వసించితే వ్యవహారమంతా తల క్రిందలు చేస్తారు.

"తరువాత ఇందులోని notification లో ఫ్యాక్టరీలు మాత్రము పత్తిని మార్చవచ్చు, అనేక రకాల పత్తిని కలపవచ్చు అని ఉంది, కాని వ్యవసాయదారులు మాత్రము ఒకే రకమైన పత్తి గింజలు వేయాలని చెప్పినారు. ఈ విధానము ఏ రీతిగా సరి అయినదో తెలియదు. కాని ప్రభుత్వము ఒకే రకమైన పత్తి గింజలు సప్లై చేస్తామని హామీని ప్రకటిస్తే ఈ బిల్లుని అంగీకరించడానికి వీలు అవుతుంది. లేకున్న ప్రతిఘటించవలసివస్తుంది. కనుక ప్రభుత్వము దీనికి సమాధానము చెప్పవలసిందని అడుగుతూ అధ్యక్షులను దీనిని వోటుకు పెట్టమని కోరుతున్నాను."

12-30 p.m. * The Hon. Dr. R. NAGAN GOUDA :—"Mr. Speaker, Sir, this Bill has been framed on the lines of the Act which has already been in force. As I said, in the earlier stages, we had the Madras Act VII of 1932. Section 10 (2) of that Act provides: 'In making any rule, the State Government may provide that a breach thereof shall be punishable with fine which may extend to twenty rupees'. A similar provision has been introduced in this Bill, as it was found necessary. We have not introduced any new provision."

* Sri T. VISWANATHAM :—"Sir, my objection was not to providing penalties or imposing punishments. I say that the Government should not take power to make a rule subsequently without the knowledge of the Legislature and in the secrecy of the executive and punish the people under that rule which they do not know."

* The Hon. Sri C. RAJAGOPALACHARI :—"In deference to the principle stated, I wish to move an amendment to clause 5."

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MR. SPEAKER :—" I will put the motion that the Bill be taken into consideration at once to vote. Then, when the Bill is taken up clause by clause, the Hon. the Chief Minister can move the amendment. The question is—

'That the Madras Cotton Control Bill, 1952, be taken into consideration at once.' "

The motion was carried.

Clauses 2, 3 and 4 were put and carried.

Clause 5.

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Speaker, Sir, I move—

' *In clause* 5, *sub-clause* (1) (*b*) add *the word* " *or* " *at the end and after item* (*b*) insert *the following new item* :—

" (*c*) *knowingly in any other manner contravenes any rule made under this Act.*" ' "

MR. SPEAKER :—" The question is—

' In clause 5, sub-clause (1) (*b*) *add* the word " or " at the end and after item (*b*) *insert* the following new item :—

" (*c*) knowingly in any other manner contravenes and rule made under this Act." ' "

The amendment was put and carried.

Clause 5 as amended was put and carried.

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I have to move another amendment to the clause. Hence I move—

' *That clause* 5 *be re-opened.*' "

The motion was carried.

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I move—

' *In clause* 5, *sub-clause* (2) (*b*) add *the word* " *or* " *at the end and after item* (*b*) insert *the following new item* :—

" (*c*) *knowingly in any other manner contravenes any rule made under this Act.*" ' "

The amendment was put and carried.

Clause 5 as finally amended was put and carried.

Clauses 6 to 14 were put and carried.

Clause 15.

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I move—

' *In clause* 15, omit *sub-clause* (2) *and* renumber *sub-clause* (3) *as sub-clause* (2).' "

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MR. SPEAKER :—" The question is—

'In clause 15, *omit* sub-clause (2) and *renumber* sub-clause (3) as sub-clause (2).' "

The amendment was carried.

Clause 15 as amended was put and carried.

Clauses 16, 1 and the Preamble were put and carried.

THE HON. DR. R. NAGAN GOUDA :—" Mr. Speaker, Sir, I move—

'*That the Bill as amended be passed into law.*' "

MR. SPEAKER :—" The question is—

'That the Madras Cotton Control Bill, 1952, as amended be passed into law.' "

The motion was carried and the Bill passed into law.

(4) THE BHAVANI RESERVOIR IRRIGATION CESS (AMENDMENT) BILL, 1952 (L.A. BILL NO. 10 OF 1952).

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Speaker, Sir, I beg to present the report[a] of the Select Committee on the Bhavani Reservoir Irrigation Cess (Amendment) Bill, 1952 (L.A. Bill No. 10 of 1952), and move—

'*That the Bill as amended by the Select Committee be taken into consideration.*'

" The original Act provides for the irrigation of dry crops under the reservoir. Provision has been made in this Bill for the raising of wet crops and also for crop rotation. The Bill also fixes a ceiling on the rates of water-cess. The Select Committee appointed to consider the Bill met on the 25th August 1952. There was an informal discussion on the provisions of the Bill. Some Members wanted time to enable them to inspect the area and make enquiries regarding the economic condition of the
12-40 p.m. peasants. The Committee met again on the 6th September 1952, and recommended that the maximum rates of water-cess of Rs. 25 for cotton, Rs. 18 for paddy and Rs. 10 for millet, should be reduced to Rs. 20, Rs. 15 and Rs. 7-8-0 respectively. It has proposed no other changes in the Bill. The rates proposed are only the maximum rates, and the Government will see that in any case the maximum rates are not levied within the next two years. I submit the Bill, as amended by the Select Committee, for the acceptance of the House."

MR. SPEAKER :—" The motion is—

'That the Bhavani Reservoir Irrigation Cess (Amendment) Bill, 1952 (L.A. No. 10 of 1952), as amended by the Select Committee be taken into consideration.' "

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[a] Printed as Appendix on pages 442–443 infra.